

ARTICLE XXIV

DEVELOPMENT SITE PLAN REVIEW

SECTION 24.01 PURPOSE

Land development affects the character and aesthetics of the community and its public health, safety, and general welfare. This Article provides that all land uses shall be subject to development site plan review except the following non-commercial uses: single and two family dwellings, and agricultural uses not subject to a conditional use permit.

SECTION 24.02 APPLICATION

Buildings to be erected, moved, externally altered, added to, or to have any change in use which would affect their approval off-street parking, landscaping, or any other requirements shall be reviewed under this Article. No building or land use permits shall be issued except in accordance with a plan approved under this Article.

SECTION 24.03 REVIEWING AUTHORITY AND APPEALS

The Planning Commission or its qualified designee, shall review development site applications in accordance with the standards presented in this Article and Ordinance. The Planning Commission shall review the site plan application and designees report, and shall thereafter approve, approve with conditions, or deny requests for development site plan approval. The Planning Commission decision shall be final.

SECTION 24.04 MAJOR AND MINOR PROJECTS DEFINED

A minor project, for the purpose of this Article, is defined as follows:

1. The remodeling, alterations, or additions of commercial and industrial buildings of less than twenty five (25) percent of the square footage of the existing structure.
2. Improvements to, erections of, or reconstitution of accessory buildings and structures, parking areas, and similar facilities.
3. Site changes that do not exceed twenty five (25) percent of the existing developed site area.

Major projects are all the projects not listed above including, but not limited to, multi-family developments, commercial and industrial buildings and additions, alterations or redevelopment of buildings and sites greater than listed above.

SECTION 24.05 CONCEPTUAL DEVELOPMENT SITE PLAN REVIEW

The applicant is encouraged to submit a conceptual plan for review by the Planning Commission in order that errors, miscalculations, or misconceptions are not incorporated into preliminary plans. This procedure is intended to be informational only and shall not necessarily bear directly upon later reviews. Submissions for this review may consist of all those items listed in Section 23.05 which shall present an adequate overview of the intended project.

SECTION 24.06 PRELIMINARY PLAN REVIEW

For major projects, Preliminary Development Site Plan Review shall entail the examination of all the items in 24.05. Para. 1. For minor projects, the abbreviated review indicated in 24.05, para. 2 is allowed.

1. Required Submittals - Minor Project. All project applicants shall submit to the Planning Commission the development site plan application approved by the Township, and ten (10) copies of the detailed site plan. The detailed site plan application shall consist of the following items for review:
 - a. A site plan, drawn to scale, showing the proposed location of structures and other improvements including, where appropriate, roads, driveways, pedestrian walks, off-street parking areas, landscaped areas, fences and walls.
 - b. A conceptual landscape plan, drawn to scale.
 - c. Architectural drawings of all elevations of the proposed structures as they will appear upon completion.
 - d. Accurate scale drawings of all signs indicating their size, material, color, and illumination, if any.
 - e. Conceptual grading and drainage plans.
 - f. Such other data as may be required by the Planning Commission to ensure that the purposes of this Article are satisfied.
 - g. The Planning Commission may also waive requirements not deemed necessary for a thorough review.
2. Required Submittals - Major Project. The following are among the items to be included on the detailed plan for major projects. Development site plans should be an accurate drawing at the scale of at least one (1) inch - one hundred (100) feet showing the site and all lands and structures within five hundred (500) feet of the site. The Planning Commission may require details to be provided in a scale as great as one (1) inch = twenty (20) feet. If multiple sheets are used, each sheet must be labeled, dated and the preparer identified.
 - a. Location of proposed or existing property lines, dimensions, legal descriptions, tax parcel numbers, setback lines, and monument locations.
 - b. A vicinity map drawn at a scale of a minimum of one (1) inch = two thousand (2000) feet with north point indicated.
 - c. Existing topographical elevations at two (2) foot intervals, proposed grades and direction of drainage flows.
 - d. The location and type of existing soils on the site and any certifications of borings.
 - e. Locations and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, flood plains and wetlands.
 - f. Location of existing and proposed buildings and intended uses thereof.
 - g. Proposed location of accessory structures, buildings and other appurtenances, including but not limited to, all flagpoles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening where applicable.
 - h. Location of existing public roads and streets that abut or cross the site, plus rights-of-way and private easements of record.
 - i. Location of and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development. Details of entryway and entryway sign locations should be separately depicted with an elevation view.
 - j. Location, design and dimensions of existing and proposed curbing, barrier free

- access, carports, parking areas (including indication of all spaces, method of surfacing and striping), fire lanes and lighting thereof.
- k. Location, size and characteristics of all loading and unloading areas.
 - l. Location and design of all trails, walkways, bicycle paths and areas for public use.
 - m. Location of water supply lines and/or wells, including fire hydrants and shutoff valves, and the location and design of storm sewers, retention or detention ponds, waste water lines, cleanout locations, connection points and treatment systems, including septic systems, if applicable.
 - n. Location and routing of all other utilities on the site including but not limited to natural gas, electric, cable TV, telephone and steam.
 - o. Proposed location, dimension and details of common open spaces and common facilities, such as community buildings or swimming pools, if applicable.
 - p. Location, size and specifications for all signs and advertising features with cross sections.
 - q. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
 - r. Location and specifications for all fences, walls, and other screening features with cross sections.
 - s. General location and type of significant existing vegetation including the location and size of all existing trees six (6) feet or more in diameter four and one half (4 ½) feet above the ground, if not located in a woods, in which case, the entire wooded area shall be demarked and designated to be preserved.
 - t. Location and specifications for all proposed perimeter and internal landscaping and other buffering features.
 - u. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
 - v. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
 - w. Identification of any significant site amenities and unique natural features.
 - x. Identification of any significant views onto or from the site, to or from adjoining areas.
 - y. North arrow, scale and date of original submittal and all revisions.
 - z. Seals and/or signatures of the registered engineer, architect, landscape architect, surveyor, and planner who prepared the plan.
 - aa. Such other data as may be required by the Planning Commission to ensure that the purposes of this Article are satisfied.
 - bb. The Planning Commission may also waive requirements not deemed necessary for a thorough review.
3. Application Process. When all necessary information as provided by this Article is submitted to the Planning Commission, the Commission will notify the applicant and, within a reasonable time, but in no case longer than sixty (60) days thereafter, and based upon the standards in Section 23.09, shall act either to approve or to deny the request for development site plan approval or to provide information to the applicant by which he may amend his plans to conform to certain stipulated requirements to obtain approval. Upon re-submittal, the Planning Commission shall, within thirty (30) working days, inform the applicant of the acceptance or rejection of his plans. If plans are denied at any stage, the Planning Commission shall submit in writing to the applicant the reasons for

the action.

SECTION 24.07 DEVELOPMENT SITE PLAN REVIEW STANDARDS

The following standards shall be utilized in reviewing all development site plans. The standards are intended to provide guidance for the applicant in the production of plans as well as a method of review for Township officials.

Elements of Development Site Plan Review. The following elements shall be used in judging the acceptability of a development plan.

1. Neighborhood and Community Elements
 - a. Historical Preservation. Existing structures of historical significance shall be renovated in a manner that preserves that significance and ensconces them appropriately among other like structures.
 - b. Relation of Proposed Buildings to Environment. Proposed structures shall be related harmoniously to the terrain, the size and shape of the lot, the character of adjoining property, and existing buildings in the vicinity that have a visual and functional relationship to the proposed buildings. Such a relationship may include the enclosure or space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain or other buildings. In all cases, open spaces should be created that are useful, not just the wastage of a development. Other concerns which shall be addressed include microclimate effects created by structure placement, solar exposure and shadow effects, wind and canyon effects including snow build-up and drifting, heat island creation, and effects upon wetlands, drainage, and habitat systems. Views and privacy, while dealt with in siting buildings on individual parcels, shall be provided for on a larger scale by buffering and screening to preserve or create unintrusive site lines wherever possible.
 - c. Landscape Preservation. Except in urbanized areas, the landscape shall be preserved in as natural a state as possible by minimizing tree and soil removal. Sensitive areas, such as steep slopes, wetlands, and littoral areas, as well as resource areas such as forests, wooded lots, and farmland shall be preserved whenever possible. Structures on wooded lots shall be set back a minimum of fifty (50) feet from the street or road right-of-way, retaining all native forest vegetation within this greenbelt. Any grading changes shall be in keeping with the lay of neighboring lands.
 - d. Business Districts. Design standards may be developed by particular business districts, and if so promulgated, will be used to judge design elements or structures and their sites proposed within their districts.
 - e. Trafficways and Gateways. Site plans shall address the effects of new structures or uses upon traffic at or near their sites. Major uses may require a traffic study to determine potential effects and possible mitigating actions to prevent negative impacts.
 - f. Security, Fire and Emergency Access. Setbacks, access paths, fire hydrant locations (where applicable) shall be provided per existing statutes and ordinances and in accordance with the requirements of the appropriate reviewing authorities. All buildings or groups of buildings shall be arranged to permit emergency vehicle access by some practical means to all sides. Where applicable, security shall also be considered integral to the design. Sufficient illumination and facility of surveillance shall be addressed.

2. Engineering Elements

- a. Drives, Parking and Circulation. Parking space sufficient only for the intended use shall be allowed. Calculations and justification for spaces provided shall be noted on the plans. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, attention shall be given to the location and the number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and do not detract from the design of proposed buildings and structures and neighboring properties. Parking areas shall be screened from roadways and from other adjacent uses by landscape areas or fence.
- b. Surface Water Drainage. Attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies and paved areas, and carried away in such a manner that it will not obstruct the flow of vehicular or pedestrian traffic, will not puddle or freeze in paved areas.
- c. Utility Service. New utility service distribution lines shall be underground wherever feasible. Any existing utility installations remaining above ground shall be situated harmoniously in relation to neighboring properties and the site. The proposed method of sanitary sewage disposal from all buildings shall be indicated. All utility installations shall be carried out in accordance with the current standards, rules and regulations of those entities having jurisdiction. No project shall be approved without permits or authorization from all appropriate governing agencies.

3. Architectural Elements

- a. Scale is the measure of the relationship of the mass and heights of one structure, or parts of a structure, to other adjacent forms, including man. Structures shall only be allowed that compliment existing structures or the native, rural environment and are of human scale.
- b. Form deals with height-to-width ratios, projections from structures, rhythms created by void-to-solid ratios, fenestration and roof configurations. All structured shall conform with, or be complimentary to, neighboring sites and structures.
- c. Details are additions to structures for ornamentation or decoration and functional appurtenances such as lighting and signage. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impair the vision of traffic along adjacent streets. No night lighting shall be permitted toward other properties or into the sky, either directly or by reflection. The fixtures themselves shall complement both site and neighborhood design elements. If specific decorative details are to be required by the Township, they will be delineated by specific districts, i.e., an historic area or particular business district. Standards for these districts shall be elicited from members of the affected areas and shall not be imposed by the Planning Commission or any other authority until those districts are defined, bounded and the particular architectural details agreed upon within those districts.
- d. Siting deals with solar and wind exposure, privacy views, access, drainage and noise. The location of not only buildings but of mechanical equipment, storage facilities and activity areas are important parts of this element. Siting shall consider geographic conditions, including topography and climate, and social conditions, privacy and views. The development plan shall provide reasonable visual and sound privacy for all dwelling units located therein and on adjacent properties. Fences, walks, barriers and landscaping shall be provided for the protection and enhancement

- of property and for the privacy of occupants and neighbors. Exposed storage areas, exposed heating, air conditioning and ventilating equipment or other machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be set back and screened by plantings sufficiently large to sustain growth and attractiveness or by other screening methods high and solid enough to assure that they will hide the above, yet must be harmonious with the existing or complimented environment and the surrounding properties.
4. Additional requirements. All other standards and requirements of this ordinance and other applicable ordinances, regulations and statutes must be met by the development plans presented for review under provisions of this Article. The Planning Commission may confer or consult with a qualified expert in a particular field, i.e., architecture or site design, at the applicant's expense, to aid it in evaluating a complicated or complex project.

SECTION 24.08 LAND CLEARING AND GRADING

No person shall undertake any activity or use, including any grading, clearing, cutting and filling, excavating, or tree removal associated therewith, for which development site plan approval is first required by this ordinance. Nor shall any activity proceed prior to obtaining necessary soil erosion and sedimentation control permits, wetland permits, or flood plain permits. A grading plan in accordance with requirements in Section 19.05 shall be submitted for the activities indicated above and shall include all spot elevations, soil erosion control measures, cut and fill details with net changes noted. This section does not intend any regulation of either the commercial harvesting of timber, or the cutting of trees for domestic use.

SECTION 24.09 LANDSCAPING, SCREENING, GREENBELTS, BUFFERS AND FENCING

The intent of this section is to promote public health, safety, and general welfare by minimizing noise, air and visual defilement of existing conditions; improving the appearance of off-street parking and other vehicular use areas; requiring buffering between incompatible land uses; regulating the appearance of property abutting the public rights-of-way; protecting and preserving the appearance, character and value of the community and its residential neighborhood areas; preventing soil erosion and soil depletion, and promoting soil water absorption. Sizes and amounts of landscaping and plant types shall be dependant upon what is already present in the area and the landscaping needs of the specific site. Generally, landscaping shall at least equal surrounding landscape in newer areas and tend toward upgrading older areas. Landscaping needs will be determined using the standards set forth in this Article, but plantings covering a minimum of twenty (20) percent of any site shall be used as a guideline.

The following standards shall be complied with:

1. Additional landscape features shall be added to retain natural landscape features to reduce the apparent mass and height of buildings, to visually break expanses of paving and reduce visibility of paved areas from adjacent roadways and properties, and to provide an attractive appearance from both within and without the site.
2. Except in urban areas, sizes of plant materials shall be varied to help create the impression of a natural landscape. Minimum required plant sizes shall be as follows: evergreen trees, six (6) foot minimum height, deciduous trees, 2 (2) inch caliper minimum; shrubs, two(2) gallon pot, or eighteen to twenty four (18-24) inches, minimum.

3. Ground cover shall be primarily of living material.
4. Areas which are intended to be landscaped shall be provided with a minimum depth of topsoil of four (4) inches and mulched with four (4) inches of hardwood bark chips or equivalent.

SECTION 24.10 FINAL DEVELOPMENT SITE PLAN APPROVALS

A development site plan may be approved condition upon approval by other local, county or state agencies, such as, but not limited to, the Leelanau County Drain Commission, Leelanau County Road Commission and the Michigan Department of Natural Resources.

Complete engineering drawings plus all certified final drawings and plans which are subject to development site plan review and contain all necessary modifications, additions, or deletions required shall be submitted before final development site plan is granted.

SECTION 24.11 CONDITIONS OF FINAL APPROVAL

Upon submission of all necessary documents, the Planning Commission shall deny, approve, or approve with conditions the applicant's development site plan. Development Site Plans may be approved subject to the performance of certain conditions, including the provision of required improvements as the Commission, or its designee, shall deem to be reasonable and necessary, or advisable under the circumstances, so that the objectives of the Zoning Ordinance, Comprehensive Development Plan and Township Board policies shall be achieved. Such conditions shall be imposed and enforced as follows:

1. Security. Security may be required to ensure performance. In order to ensure the performance of conditions imposed concurrent with the granting or modification of a development site plan, the applicant may be required to furnish security in the form of money or surety bond in the amount fixed by the authority granting development site plan approval.
2. Provision of required improvements. Whenever a development site plan approval is granted or modified subject to the conditions that specified improvements be provided by the applicant, such improvements shall be installed by the applicant and approved and accepted by the Zoning Administrator.
3. Conditions declared void. Whenever there becomes final any judgment of a court of competent jurisdiction declaring one or more of conditions of a development review approval to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation of one or more of such conditions, said development site plan approval shall cease to be valid and all rights or privileges granted thereby shall lapse.
4. Violation of condition. Whenever a development site plan is approved or modified by the approving authority subject to a condition or conditions, use or enjoyment of the development site plan in violation of, or without observance of, any such conditions shall constitute a violation of the Zoning Ordinance, and said development site plan approval may be revoked.

SECTION 24.12 AMENDMENTS TO APPROVED DEVELOPMENT PLANS

Amendments to an approved development site plan may be made by the Planning Commission upon written request by the landowner. Minor changes to an approved development site plan may be approved by the Zoning Administrator after construction has begun, provided no such

changes result in any of the following:

1. A significant change in the use or character of the development.
2. An increase in overall coverage of structures.
3. A significant increase in the intensity of use.
4. A reduction in required open space.
5. A reduction in required off-street parking and loading.
6. A reduction in required pavement widths or utility sizes.
7. A significant increase in traffic on public streets or an increase in the burden on public utilities or services.

If the Zoning Administrator finds that a proposed amendment to an approved development site plan does not qualify as a minor change, he shall immediately notify the permit holder in writing that the development site plan approval has been suspended pending approval by the Planning Commission of the proposed amendment. The permit holder's notice shall be delivered by certified mail. When the issue has been resolved, the Zoning Administrator shall send a written notice to the permit holder that a project's development site plan has again approved. This provision is not to be construed to prohibit phased development of a project, provided that each phase is developed in accordance with an approved development site plan.

SECTION 24.13 TIME LIMIT FOR APPROVED SITE PLANS

A site plan approval granted pursuant to this Chapter shall be valid for one (1) year from the date of approval. If construction has not commenced by the end of this period, and if a written request for extension of the approval has not been submitted by the applicant, the site plan approval shall be deemed expired and no longer valid.

The Planning Commission may grant one (1) extension of the site plan approval for a one (1) year period, upon submittal in writing by the applicant of a request for an extension. The Planning Commission shall grant such extension only upon presentation of written evidence indicating that construction of the project has been delayed by factors beyond the reasonable control of the applicant and that construction on the project is likely to proceed within one (1) year.

SECTION 24.14 FEE SCHEDULE

To be determined by the Township Board.